

House Bill 1056

By: Representatives Lane of the 146th, Morris of the 155th, Stokes of the 92nd and Keen of the 174th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 2 of Title 27 of the Official Code of Georgia Annotated, relating to
2 licenses, permits, and stamps generally, so as to enact the Wildlife Violator Compact; to
3 change certain references; to make certain findings and declarations of policy; to state the
4 purpose of such compact; to define certain terms; to provide procedures for issuing citations
5 for wildlife violations to violators who are residents of participating states; to provide
6 procedures for enforcement of citations by home states; to provide for reciprocal recognition
7 of suspensions; to provide for the applicability of certain laws; to provide procedures for
8 compact administration; to provide for entry into and withdrawal from such compact; to
9 provide for amendments to such compact; to provide for construction and severability; to
10 provide for a title; to provide for rules and regulations; to provide for penalties; to repeal
11 conflicting laws; and for other purposes.

12

13 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

14

SECTION 1.

15 Chapter 2 of Title 27 of the Official Code of Georgia Annotated, relating to licenses, permits,
16 and stamps generally, is amended by designating the existing portion of such chapter as
17 Article 1.

18

SECTION 2.

19 Said chapter is further amended by striking in its entirety subsection (c) of Code Section
20 27-2-25.1, relating to suspension of hunting privileges for negligent hunting and procedures
21 following hunting accidents, and inserting in lieu thereof the following:

22 "(c) Upon notification of such a death or injury, whether by the hunter or by some other
23 person, the department shall immediately initiate an investigation of such incident and
24 submit a report to the commissioner. If the commissioner determines culpable negligence
25 on the part of the person causing the death or injury and that such negligence was the
26 proximate cause of such death or injury, the commissioner may suspend that person's

1 hunting privileges for a specified period of time not to exceed ten years. Any such
 2 determination to suspend shall be subject to review as provided for in this Code section.
 3 When the commissioner shall decide to suspend said person's hunting privileges, the
 4 commissioner must notify such person of said suspension and of his right to a hearing to
 5 contest the commissioner's determination. The notification from the commissioner to the
 6 person whose license is being suspended shall be by certified mail or statutory overnight
 7 delivery with return receipt requested; or, in lieu thereof, notice may be given by personal
 8 service upon such person. Upon such notice, any such hunting privileges shall be revoked
 9 by such notice and such person shall surrender his or her hunting license, if any, to the
 10 department within ten days of such notification. For the purposes of this ~~chapter~~ article,
 11 notice given by certified mail or statutory overnight delivery with return receipt requested
 12 mailed to the person's last known address shall be prima-facie evidence that such person
 13 received the required notice."

14 **SECTION 3.**

15 Said chapter is further amended by striking in its entirety Code Section 27-2-29, relating to
 16 free fishing days, and inserting in lieu thereof the following:

17 "27-2-29.

18 Notwithstanding any other provision of this ~~chapter~~ article, the commissioner may
 19 designate not more than three days, which need not be consecutive, in each calendar year
 20 as free fishing days during which residents may, without obtaining a fishing license,
 21 exercise the privileges of a holder of a fishing license, subject to all limitations, restrictions,
 22 conditions, rules, and regulations applicable to the holder of a fishing license. This Code
 23 section shall in no way affect the commercial fishing licenses required under this ~~chapter~~
 24 article.

25 **SECTION 4.**

26 Said chapter is further amended by inserting at the end thereof a new article to read as
 27 follows:

28 "ARTICLE 2

29 27-2-40.

30 The Wildlife Violator Compact is enacted into law and entered into by the State of Georgia
 31 with any and all states legally joining therein in accordance with its terms. The compact
 32 is substantially as follows:

1 'WILDLIFE VIOLATOR COMPACT

2 ARTICLE I

3 FINDINGS, DECLARATION OF POLICY, AND PURPOSE

4 (a) The party states find that:

5 (1) Wildlife resources are managed in trust by the respective states for the benefit of all
6 residents and visitors.7 (2) The protection of their respective wildlife resources can be materially affected by the
8 degree of compliance with state statute, law, regulation, ordinance, or administrative rule
9 relating to the management of those resources.10 (3) The preservation, protection, management, and restoration of wildlife contributes
11 immeasurably to the aesthetic, recreational, and economic aspects of these natural
12 resources.13 (4) Wildlife resources are valuable without regard to political boundaries, therefore, all
14 persons should be required to comply with wildlife preservation, protection, management,
15 and restoration laws, ordinances, and administrative rules and regulations of all party
16 states as a condition precedent to the continuance or issuance of any license to hunt, fish,
17 trap, or possess wildlife.18 (5) Violation of wildlife laws interferes with the management of wildlife resources and
19 may endanger the safety of persons and property.20 (6) The mobility of many wildlife law violators necessitates the maintenance of channels
21 of communications among the various states.22 (7) In most instances, a person who is cited for a wildlife violation in a state other than
23 the person's home state:

24 (i) Must post collateral or bond to secure appearance for a trial at a later date; or

25 (ii) If unable to post collateral or bond, is taken into custody until the collateral or bond
26 is posted; or

27 (iii) Is taken directly to court for an immediate appearance.

28 (8) The purpose of the enforcement practices described in paragraph (7) of this
29 subdivision is to ensure compliance with the terms of a wildlife citation by the person
30 who, if permitted to continue on the person's way after receiving the citation, could return
31 to the person's home state and disregard the person's duty under the terms of the citation.32 (9) In most instances, a person receiving a wildlife citation in the person's home state is
33 permitted to accept the citation from the officer at the scene of the violation and to
34 immediately continue on the person's way after agreeing or being instructed to comply
35 with the terms of the citation.

1 (10) The practice described in paragraph (7) of this subdivision causes unnecessary
 2 inconvenience and, at times, a hardship for the person who is unable at the time to post
 3 collateral, furnish a bond, stand trial, or pay the fine, and thus is compelled to remain in
 4 custody until some alternative arrangement can be made.

5 (11) The enforcement practices described in paragraph (7) of this subdivision consume
 6 an undue amount of law enforcement time.

7 (b) It is the policy of the party states to:

8 (1) Promote compliance with the statutes, laws, ordinances, regulations, and
 9 administrative rules relating to management of wildlife resources in their respective
 10 states.

11 (2) Recognize the suspension of wildlife license privileges or rights of any person whose
 12 license privileges or rights have been suspended by a party state and treat this suspension
 13 as if it had occurred in their state.

14 (3) Allow violators to accept a wildlife citation, except as provided in subdivision (b) of
 15 Article III, and proceed on the violator's way without delay whether or not the person is
 16 a resident in the state in which the citation was issued, provided that the violator's home
 17 state is party to this compact.

18 (4) Report to the appropriate party state, as provided in the compact manual, any
 19 conviction recorded against any person whose home state was not the issuing state.

20 (5) Allow the home state to recognize and treat convictions recorded for their residents
 21 which occurred in another party state as if they had occurred in the home state.

22 (6) Extend cooperation to its fullest extent among the party states for obtaining
 23 compliance with the terms of a wildlife citation issued in one party state to a resident of
 24 another party state.

25 (7) Maximize effective use of law enforcement personnel and information.

26 (8) Assist court systems in the efficient disposition of wildlife violations.

27 (c) The purpose of this compact is to:

28 (1) Provide a means through which the party states may participate in a reciprocal
 29 program to effectuate policies enumerated in subdivision (b) of this article in a uniform
 30 and orderly manner.

31 (2) Provide for the fair and impartial treatment of wildlife violators operating within
 32 party states in recognition of the person's right of due process and the sovereign status
 33 of a party state.

34 ARTICLE II
 35 DEFINITIONS

1 Unless the context requires otherwise, the definitions in this article apply through this
2 compact and are intended only for the implementation of this compact:

3 (a) "Citation" means any summons, complaint, ticket, penalty assessment, or other official
4 document issued by a wildlife officer or other peace officer for a wildlife violation
5 containing an order which requires the person to respond.

6 (b) "Collateral" means any cash or other security deposited to secure an appearance for
7 trial, in connection with the issuance by a wildlife officer or other peace officer of a citation
8 for a wildlife violation.

9 (c) "Compliance" with respect to a citation means the act of answering the citation through
10 appearance at a court, a tribunal, or payment of fines, costs, and surcharges, if any, or both
11 such appearance and payment.

12 (d) "Conviction" means a conviction, including any court conviction, of any offense
13 related to the preservation, protection, management, or restoration of wildlife which is
14 prohibited by state statute, law, regulation, ordinance, or administrative rule, or a forfeiture
15 of bail, bond, or other security deposited to secure appearance by a person charged with
16 having committed any such offense, or payment of a penalty assessment, or a plea of nolo
17 contendere, or the imposition of a deferred or suspended sentence by the court.

18 (e) "Court" means a court of law, including Magistrate's Court and the Justice of the Peace
19 Court.

20 (f) "Home state" means the state of primary residence of a person.

21 (g) "Issuing state" means the party state which issues a wildlife citation to the violator.

22 (h) "License" means any license, permit, or other public document which conveys to the
23 person to whom it was issued the privilege of pursuing, possessing, or taking any wildlife
24 regulated by statute, law, regulation, ordinance, or administrative rule of a party state.

25 (i) "Licensing authority" means the department within each party state which is authorized
26 by law to issue or approve licenses or permits to hunt, fish, trap, or possess wildlife.

27 (j) "Party state" means any state which enacts legislation to become a member of this
28 wildlife compact.

29 (k) "Personal recognizance" means an agreement by a person made at the time of issuance
30 of the wildlife citation that the person will comply with the terms of that citation.

31 (l) "State" means any state, territory, or possession of the United States, the District of
32 Columbia, Commonwealth of Puerto Rico, Provinces of Canada, or other countries.

33 (m) "Suspension" means any revocation, denial, or withdrawal of any or all license
34 privileges or rights, including the privilege or right to apply for, purchase, or exercise the
35 benefits conferred by any license.

36 (n) "Terms of the citation" means those conditions and options expressly stated upon the
37 citation.

1 (o) "Wildlife" means all species of animals, including but not necessarily limited to
2 mammals, birds, fish, reptiles, amphibians, mollusks, and crustaceans, which are defined
3 as "wildlife" and are protected or otherwise regulated by statute, law, regulation, ordinance,
4 or administrative rule in a party state. "Wildlife" also means food fish and shellfish as
5 defined by statute, law, regulation, ordinance, or administrative rule in a party state.
6 Species included in the definition of "wildlife" vary from state to state and determination
7 of whether a species is "wildlife" for the purposes of this compact shall be based on local
8 law.

9 (p) "Wildlife law" means any statute, law, regulation, ordinance, or administrative rule
10 developed and enacted to manage wildlife resources and the use thereof.

11 (q) "Wildlife officer" means any individual authorized by a party state to issue a citation
12 for a wildlife violation.

13 (r) "Wildlife violation" means any cited violation of a statute, law, regulation, ordinance,
14 or administrative rule developed and enacted to manage wildlife resources and the use
15 thereof.

16 ARTICLE III

17 PROCEDURES FOR ISSUING STATE

18 (a) When issuing a citation for a wildlife violation, a wildlife officer shall issue a citation
19 to any person whose primary residence is in a party state in the same manner as if the
20 person were a resident of the home state and shall not require the person to post collateral
21 to secure appearance, subject to the exceptions contained in subdivision (b) of this article,
22 if the officer receives the person's personal recognizance that the person will comply with
23 the terms of the citation.

24 (b) Personal recognizance is acceptable:

25 (1) If not prohibited by local law or the compact manual adopted by the Board of Natural
26 Resources as a rule; and

27 (2) If the violator provides adequate proof of the violator's identification to the wildlife
28 officer.

29 (c) Upon conviction or failure of a person to comply with the terms of a wildlife citation,
30 the appropriate official shall report the conviction or failure to comply to the licensing
31 authority of the party state in which the wildlife citation was issued. The report shall be
32 made in accordance with procedures specified by the issuing state and shall contain the
33 information specified in the compact manual adopted by the Board of Natural Resources
34 as a rule as minimum requirements for effective processing by the home state.

1 (d) Upon receipt of the report of conviction or noncompliance required by subdivision (c)
 2 of this article, the licensing authority of the issuing state shall transmit to the licensing
 3 authority in the home state of the violator the information in a form and content as
 4 contained in the compact manual adopted by the Board of Natural Resources as a rule.

5 ARTICLE IV

6 PROCEDURES FOR HOME STATE

7 (a) Upon receipt of a report of failure to comply with the terms of a citation from the
 8 licensing authority of the issuing state, the licensing authority of the home state shall notify
 9 the violator, shall initiate a suspension action in accordance with the home state's
 10 suspension procedures and shall suspend the violator's license privileges or rights until
 11 satisfactory evidence of compliance with the terms of the wildlife citation has been
 12 furnished by the issuing state to the home state licensing authority. Due process safeguards
 13 will be accorded.

14 (b) Upon receipt of a report of conviction from the licensing authority of the issuing state,
 15 the licensing authority of the home state shall enter such conviction in its records and shall
 16 treat such conviction as if it occurred in the home state for the purposes of the suspension
 17 of license privileges.

18 (c) The licensing authority of the home state shall maintain a record of actions taken and
 19 make reports to issuing states as provided in the compact manual adopted by the Board of
 20 Natural Resources as a rule.

21 ARTICLE V

22 RECIPROCAL RECOGNITION OF SUSPENSION

23 All party states shall recognize the suspension of license privileges or rights of any person
 24 by any state as if the violation on which the suspension is based had in fact occurred in
 25 their state and would have been the basis for suspension of license privileges or rights in
 26 their state.

28 ARTICLE VI

29 APPLICABILITY OF OTHER LAWS

30 Except as expressly required by provisions of this compact, nothing herein shall be
 31 construed to affect the right of any party state to apply any of its laws relating to license
 32 privileges to any person or circumstance, or to invalidate or prevent any agreement or other

1 cooperative arrangements between a party state and a nonparty state concerning wildlife
2 law enforcement.

3 ARTICLE VII

4 COMPACT ADMINISTRATOR PROCEDURES

5 (a) For the purpose of administering the provisions of this compact and to serve as a
6 governing body for the resolution of all matters relating to the operation of this compact,
7 a board of compact administrators is established. The board of compact administrators shall
8 be composed of one representative from each of the party states to be known as the
9 compact administrator. The compact administrator shall be appointed by the head of the
10 licensing authority of each party state, or his or her designee, and will serve and be subject
11 to removal in accordance with the laws of the state the administrator represents. A compact
12 administrator may provide for the discharge of the administrator's duties and the
13 performance of the administrator's functions as a board of compact administrators member
14 by an alternate. An alternate may not be entitled to serve unless written notification of the
15 alternate's identity has been given to the board of compact administrators.

16 (b) Each member of the board of compact administrators shall be entitled to one vote. No
17 action of the board of compact administrators shall be binding unless taken at a meeting
18 at which a majority of the total number of votes on the board of compact administrators are
19 cast in favor thereof. Action by the board of compact administrators shall be only at a
20 meeting at which a majority of the party states are represented.

21 (c) The board of compact administrators shall elect annually, from its membership, a
22 chairperson and vice-chairperson.

23 (d) The board of compact administrators shall adopt bylaws, not inconsistent with the
24 provisions of this compact or the laws of a party state, for the conduct of its business and
25 shall have the power to amend and rescind its bylaws.

26 (e) The board of compact administrators may accept for any of its purposes and functions
27 under this compact all donations and grants of money, equipment, supplies, materials, and
28 services, conditional or otherwise, from any state, the United States, or any governmental
29 agency, and may receive, utilize, and dispose of the same.

30 (f) The board of compact administrators may contract with or accept services or personnel
31 from any governmental or intergovernmental agency, individual, firm, corporation, or any
32 private nonprofit organization or institution.

33 (g) The board of compact administrators shall formulate all necessary procedures and
34 develop uniform forms and documents for administering the provisions of this compact.

1 All procedures and forms adopted pursuant to board of contact administrators action shall
2 be contained in the compact manual adopted by the Board of Natural Resources as a rule.

3 ARTICLE VIII

4 ENTRY INTO COMPACT AND WITHDRAWAL

5 (a) This compact shall become effective when it has been adopted by at least two states.

6 (b)(1) Entry into the compact shall be made by resolution of ratification executed by the
7 authorized officials of the applying state and submitted to the chairperson of the board
8 of compact administrators.

9 (2) The resolution shall be in a form and content as provided in the compact manual
10 adopted by the Board of Natural Resources as a rule and shall include statements that in
11 substance are as follows:

12 (i) A citation of the authority by which the state is empowered to become a party to this
13 compact;

14 (ii) Agreement to comply with the terms and provisions of the compact; and

15 (iii) That compact entry is with all states then party to the compact and with any state
16 that legally becomes a party to the compact.

17 (3) The effective date of entry shall be specified by the applying state, but shall not be
18 less than sixty days after notice has been given by the chairperson of the board of
19 compact administrators or by the secretariat of the board of compact administrators to
20 each party state that the resolution from the applying state has been received.

21 (c) A party state may withdraw from this compact by official written notice to the other
22 party states, but a withdrawal shall not take effect until ninety days after notice of
23 withdrawal is given. The notice shall be directed to the compact administrator of each
24 member state. No withdrawal shall affect the validity of this compact as to the remaining
25 party states.

26 ARTICLE IX

27 AMENDMENTS TO THE COMPACT

28 (a) This compact may be amended from time to time. Amendments shall be presented in
29 resolution form to the chairperson of the board of compact administrators and may be
30 initiated by one or more party states.

31 (b) Adoption of an amendment shall require endorsement by all party states and shall
32 become effective thirty days after the date of the last endorsement.

33 (c) Failure of a party state to respond to the compact chairperson within one hundred
34 twenty days after receipt of the proposed amendment shall constitute endorsement.

ARTICLE X

CONSTRUCTION AND SEVERABILITY

This compact shall be liberally construed so as to effectuate the purposes stated herein. The provisions of this compact shall be severable and if any phrase, clause, sentence, or provision of this compact is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, individual, or circumstance is held invalid, the compact shall not be affected thereby. If this compact shall be held contrary to the constitution of any party state thereto, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

ARTICLE XI

TITLE

This compact shall be known as the wildlife violator compact.'

27-2-41.

The Board of Natural Resources shall make and publish such rules and regulations, not inconsistent with law, as it deems necessary to carry out the purposes of this article.

27-2-42.

It shall be unlawful for any person whose license, privilege, or right to hunt, fish, trap, possess, or transport wildlife, having been suspended or revoked pursuant to this article, to exercise that right or privilege within this state or to purchase or possess such a license which grants such right or privilege. Any person who hunts, fishes, traps, possesses, or transports wildlife in this state or who purchases or possesses a license to hunt, fish, trap, possess, or transport wildlife in this state in violation of such suspension or revocation pursuant to this article shall be guilty of a misdemeanor of a high and aggravated nature and shall be punished by a fine of not less than \$1,500.00 nor more than \$5,000.00 or imprisonment for a period not exceeding 12 months or both."

SECTION 5.

All laws and parts of laws in conflict with this Act are repealed.